

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**MONIB ZIRVI, M.D., PH.D**

**Plaintiff,**

**V.**

**UNITED STATES NATIONAL INSTITUTES  
OF HEALTH, UNITED STATES NATIONAL  
INSTITUTE OF STANDARDS AND  
TECHNOLOGY, and UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Defendants,**

**and**

**ILLUMINA, INC.**

## Defendant–Intervenor

**Civ. No.: 3:20-cv-07648**

**Hon. Michael A. Shipp**  
**U.S.D.J.**

**Hon. Douglas E. Arpert**  
**U.S.M.J.**

**NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, TO AUTHORIZE PLAINTIFF TO CONDUCT  
LIMITED DISCOVERY**

**TO:** Kristin L. Vassallo, Esq., Peter Vizcarrondo, Esq.

Assistant United States Attorneys

District of New Jersey

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Attorneys for Defendants the United States National Institutes of Health, the United States National Institute for Standards and Technology and the United States Patent and Trademark Office

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Attorneys for Defendant-Intervenor Illumina, Inc.

**PLEASE TAKE NOTICE** that on Monday, April 5, 2021 at 9:00 in the forenoon, or as soon thereafter as counsel may be heard, plaintiff Monib Zirvi, M.D., Ph.D. shall move before the Hon. Michael A. Shipp, U.S.D.J. of the United States District Court for the District of New Jersey, for an Order pursuant to Fed. R. of Civ. P. 56 granting its Cross-Motion for Summary Judgment for the relief sought in its Complaint, or, in the alternative, authorizing plaintiff to conduct limited discovery;

**PLEASE TAKE FURTHER NOTICE** that plaintiffs shall rely upon the accompanying Brief, Statement of Material Facts, Declaration of Eric H. Jaso, Esq. with exhibits, and all other papers filed in this action;

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

RESPECTFULLY SUBMITTED this 11th day of March 2021.

/s/ Eric H. Jaso, Esq.

Eric H. Jaso, Esq.

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